

**\*E-Filed: July 1, 2014\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARTIN DELGADO, ET AL.,

No. C10-02799 HRL

Plaintiffs,

**ORDER ON DEFENDANTS'  
MOTIONS IN LIMINE**

v.

MARIA DEANDA, ET AL.,

**[Re: Docket Nos. 105, 107]**

Defendants.

Pursuant to the undersigned's Standing Order re: Pretrial Preparation, Defendants timely filed two motions in limine in advance of the Pretrial Conference. Plaintiffs did not file oppositions. Based on the moving papers and discussion at the Pretrial Conference on June 19, 2014, Defendants' motion in limine #1 is GRANTED IN PART and DENIED IN PART; motion in limine #2 is DENIED.

1. Motion in limine #1

Defendants move to exclude all evidence not produced by Plaintiffs at their depositions, including both documents and testimony, pursuant to Federal Rule of Civil Procedure 37(c)(1). The Court agrees that Plaintiffs may not introduce as evidence at trial documents that were responsive to Defendants' discovery requests but that Plaintiffs failed to produce during discovery. However, to the extent that Defendants seek to exclude any testimony by Plaintiffs beyond that which was given during their depositions, that request is denied. Accordingly, Defendants' motion is GRANTED IN PART and DENIED IN PART.

2. Motion in limine #2

Defendants request that the Court conform the status of the case to properly reflect the facts by dismissing the following: (1) the class action allegations; (2) Plaintiff Ricardo Delgado; (3) Defendant Rolando Deanda; and (4) Plaintiff Adrian Acoltzi.

At the Pretrial Conference, the parties stipulated to the dismissal of (1) the class actions and (2) Plaintiff Ricardo Delgado. However, as for (3) and (4) above, the Court will not dismiss individuals from the action based on unsupported factual allegations in a motion in limine. Accordingly, Defendants' motion in limine #2 is DENIED.

**IT IS SO ORDERED.**

Dated: July 1, 2014



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HOWARD R. LOYD  
UNITED STATES MAGISTRATE JUDGE

**C10-02799 HRL Notice will be electronically mailed to:**

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